

Serial No. 09/993,080  
TC/A.U. 1638

## REMARKS/ARGUMENTS

### Claim rejections under 35 USC § 102

*Claims 1-2, 4-6, 11-12, 25-26, 28-30, 35-36, 49-50, 52-54 and 58-60 are rejected under 35 U.S.C. 102(b), as being anticipated by Dunder E. et al. in Maize Transformation by Microprojectile Bombardment of Immature Embryos; Springer-Verlag, Berlin-Heidelberg; pages 127-138.*

Applicants traverse the rejection. In order to expedite prosecution Applicants have amended Claims 1, 12, 25, 36, 49, 53, 54, and 55. Applicants have cancelled Claims 11, 35, 50, and 52. Claims now indicate that the nucleic acid of interest be introduced within 6 hours of isolating the immature embryo.

### Claim rejections under 35 USC § 103

*Claims 1-2, 4-6, 11-12, 25-26, 28-30, 35-37, 49-50, 52-57 and 58-61 are rejected under 35 U.S.C. 103(a), as being unpatentable over Dunder E. et al. in Maize Transformation by Microprojectile Bombardment of Immature Embryos; Springer-Verlag, Berlin-Heidelberg; pages 127-138.*


Applicants traverse the rejection. In order to expedite prosecution Applicants have amended claims. Claims now indicate that the nucleic acid of interest be introduced within 6 hours of isolating the immature embryo. Applicants again point out that the publications indicate that stably transformed maize plants were only obtained in experiments where the immature embryos were bombarded a day or more after isolation.

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### Concluding Remarks

Applicants have amended Claims 1, 12, 25, 36, 49, 53, 54, and 55. Claims 1, 2, 4, 5, 6, 12, 13, 25, 26, 28, 29, 30, 36, 37, 49, 53, 54, and 55 are now pending. No new matter has been added by amendment. Reexamination and reconsideration of the claims as amended are respectfully requested. In view of the above comments and amendments, withdrawal of the outstanding rejections and allowance of the remaining claims is respectfully requested.

Respectfully submitted.



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